



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,061	08/30/2001	Aalim Lakhani	CA920000056US1/2178P	8697

7590 12/06/2005  
SAWYER LAW GROUP  
P.O. Box 51418  
Palo Alto, CA 94303

EXAMINER

CHEN, TE Y

ART UNIT PAPER NUMBER

2161

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<b>Application No.</b> 09/943,061	<b>Applicant(s)</b> LAKHANI ET AL.	
	<b>Examiner</b> Susan Y. Chen	<b>Art Unit</b> 2161	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 03 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-25.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

***Appendix***

***Response to Arguments***

Applicant's arguments filed on October 3, 2005 have been fully considered but they are not persuasive.

The examiner disagrees with applicant arguments summarized as following:

- 1) "Mikurak provides conceptual ideas, but fails to teach or suggest resolving the unresolved attributes of products in a package"
- 2) "Wyatt's catalog file resides on the client computer...The product catalog lists only products and does not include packages, let alone unresolved packages."

In reply to the above arguments, the examiner first points out that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Furthermore, the examiner points out that Mikurak specifically discloses the steps as recited by applicant in claims 1, 10, 15 and 17 for enabling the purchase of a package via an e-commerce system [e.g., Mikurak: Fig. 121 and associated texts]. Still Further, Mikurak clearly discloses a problem handling unit [e.g., Mikurak: the unit 1502, Fig. 21 and associated texts] to handle the features as claimed. Additionally, Wyatt discloses an Electronic Commerce application system [e.g., Wyatt: Fig. (s) 3-10 and

Art Unit: 2161

associated texts] with application programs to access and resolve the unresolved attribute of products via a wrapped product purchase request package by accessing the package data [e.g., Wyatt: Fig. (s) 2-3 and associated texts] correlated to the selected unresolved package [e.g., Wyatt: the use of Stock Keeping Unit (SKU) to locate software products and it's attributes processing; col. 5, lines 40-50] via the client catalog file merge program [e.g., Wyatt: col. 9, lines 24-28] to build a integrated cataloged file having details as shown in catalog entry table 150, Fig. 7 of Wyatt's and being stored in a catalog database [e.g., Wyatt: the unit 300, Fig. 10] of a client computer [e.g., Wyatt: the unit 12, Fig. 10]. Hence, one of ordinary skill in the art at the time the invention was made would in fact, contrary to applicant's arguments, look to incorporate the well-known technique as taught by Wyatt in Mikurak's system for direct accessing and resolving the package data correlated to the selected unresolved package such that the product is to be automatically launched upon purchase [e.g., Wyatt: col. 10, lines 30 – 40; Fig. 2 and associated texts].

As to the rest of arguments, applicant merely rehashes issues already addressed on record, for example the product catalog file (150, Fig. 7) reads on the claimed catalog entry table and the software product (170, Fig. 7) reads on the claimed product attribute value table, all of these tables is deemed to be stored in the data repository for example the unit 300, Fig. 10 of Wyatt's.

Art Unit: 2161

Therefore, based on the discussion above, because applicant does not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, applicant does not show how the amendments avoid such references or objections.

The examiner concludes that the prior art read on the claimed features.

Continuation of 11. does NOT place the application in condition for allowance because: The arguments merely rehash issues already addressed on record, for more details please refer to the Appendix as attached.



UYEN LE  
PRIMARY EXAMINER